
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

EMMANUEL RANDLE,

Plaintiff,

versus

RICHARD ALFORD,

Defendant.

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CIVIL ACTION NO. 1:09-CV-166

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Emmanuel Randle, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Warden Alford.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED.R.CIV.P. 72(b). After careful consideration, the court concludes the objections are without merit. The magistrate judge's recommendation was based on plaintiff's

failure to exhaust administrative remedies before filing his lawsuit. In his objections, plaintiff seeks to proceed with his lawsuit, but does not state he has exhausted his administrative remedies.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of July, 2011.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE